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EXAMINER

SRIVASTAVA, V

ART UNIT	PAPER NUMBER
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2611

17

DATE MAILED:

11/16/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/930,472

Applicant(s)
De Vos et al

Examiner
Vivek Srivastava

Group Art Unit
2611



☒ Responsive to communication(s) filed on Aug 30, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-30 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 17 is/are allowed.

☒ Claim(s) 1-16 and 18-30 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 U.S.C. § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 - 16, 18, and 21 - 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voeten in view of Nakamura et al.

Considering claim 1, Voeten discloses the claimed one or more storage means, a managing means for managing distribution of the information data to any one of the end user devices, wherein the managing means outputs distribution control data including channel information of the selected information data and routing information for at least one end user device, and the claimed routing means (col. 2 line 24 - col. 5 line 3, switch is inherently included for routing signals in ATM network, col 8 lines 20-27). Voeten fails to disclose the claimed managing means manages the distribution of the information data in accordance with a predetermined number representing a threshold for a relationship between the information data and a number of at least one end user device.

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Nakamura teaches stopping transmission of new information if the number of transmission requests increases to prevent exceeding the capacity of the memory. It would have been obvious preventing the transmission of information if the number of request are too great would prevent overloading the system. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Voeten to include the claimed limitation to prevent overloading the system.

Considering claim 2, Voeten discloses the claimed routing means comprises at least one ATM switch (switch is inherently included for routing signals in ATM network, col 8 lines 20-27),

Considering claim 3, Voeten discloses the claimed information data are video and/or audio data (col. 1 lines 1-7).

Considering claim 4, Voeten discloses the claimed demand data include a public address assigned to the selected information data (col. 2 line 49 - col. 3 line 5, col. 4 line 52 - col. 5 line 3).

Considering claim 5, Voeten discloses the claimed control means (col. 4 line 52 - col. 6 line 20).

Considering claim 6, Voeten discloses the claimed management means provide program data for the operation of visual display of information data (fig. 1, DSC).

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Considering claim 7, Voeten discloses the claimed managing means (col. 2 line 1 - col. 3 line 5, program data is met by managing means sending message to memory for retrieval of data for transmission to user end).

Considering claim 8, Voeten discloses the claimed information retrieval comprises video on demand (col. 6 lines 29-44).

Considering claim 9, Voeten discloses the claimed second storage medium (col. 2 line 1 - col. 6 line 20).

Considering claim 10, Voeten discloses the claimed memory means, program memory means, control means and at least one interface (col. 2 line 1 - col. 6 line 13, col. 7 lines 26-52, col. 10 lines 12-37).

Considering claim 11, Voeten discloses the claimed routing information relates to one or more virtual channels and interface is an ATM interface (col. 8 lines 7-27).

Considering claim 12, Voeten discloses the claimed interface receives control data representing a selected operation mode for the end user device and wherein the controller controls the memory means according to the received control data so that the information data are reproduced from the memory means in the selected operation mode (col. 3 line 19 - col. 6 line 52).

Considering claim 13, Voeten discloses the claimed operation mode comprises still mode, fast forward mode, reverse mode and/or mosaic mode (col. 6 lines 45-52).

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Considering claim 14, Voeten discloses the claimed video and/or audio data is divided in a predetermined number of data groups, the predetermined number of data groups is recorded in a sequence different from the original sequence on a recording medium in a storage medium unit and wherein routing means delivers continuous video and/or audio data to the end user device by switching data groups from one or more storage medium units to one or more end user devices (col. 3 line 19 - col. 6 line 20).

Considering claim 15, Voeten fails to disclose the claimed recording medium is an agile disk and wherein a first portion of data group is recorded on every N-th track, and the remaining portions of data groups are recorded on remaining tracks of the disk.

Voeten discloses a recording medium. The Examiner takes Official Notice that recording a first portion of data on every N'th track and the remaining portions on remaining tracks would have provided a quick efficient means of retrieving information. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Voeten to include recording on an agile disk to provide a quick efficient means of retrieving information.

Considering claim 16, Voeten fails to disclose the claimed first portion of data groups is reproduced by moving a head in a first direction and the remaining portion of the data groups is reproduced by moving the head in a second direction opposite to the first direction.

The Examiner takes Official Notice that moving a disk head in two directions would have been a well known means of efficiently reproducing two groups of data. Therefore, it would have

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been obvious to one having ordinary skill in the art at the time the invention was made to modify Voeten to include moving the disk head in two directions to provide a more efficient data reproducing system.

Considering claim 18, Voeten discloses the claimed play mode includes a normal play mode and a special play mode (col. 15 lines 51-58).

Considering claim 21, Voeten fails to disclose the claimed navigation means for providing in a predetermined sequence menus which describe information data.

The Examiner Takes Official Notice that it including a navigational means, or a menu, would have been a well known user friendly means for providing additional information to a viewer. For example, in the television art, using interactive menus in a predetermined sequence provides a viewer with additional detailed information regarding a television program. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Voeten to include the claimed limitation to provide a user friendly system for providing additional information to a viewer.

Considering claim 22, Voeten fails to disclose the claimed navigational means outputs to a respective end user device a software program for driving respective end user device to select menus in accordance with predetermined sequence.

The Examiner Takes Official Notice that it would have been well known in the art to provide a navigational means as claimed to provide additional information for a viewer in the form of menus. For example, in the television art, software within settop boxes provide driving

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program menus to be displayed on a television. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Voeten to include the claimed limitation to provide the viewer with additional detailed information.

Considering claim 23, Voeten discloses the claimed distribution control data is in the form of a software program; wherein managing means downloads software program to respective storage medium unit (col. 2 line 1 - col. 3 line 53).

Considering claim 24, Voeten fails to disclose the claimed one or more storage medium units include a delivery storage medium unit for storing information data selected through the respective end user.

The Examiner Takes Official Notice that it would have been well known in the art to include a storage medium for storing information data selected through a respective end user to provide an accurate record of the distribution of information for billing and accounting purposes. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Voeten to include the claimed storage medium.

Considering claim 25, Voeten fails to disclose the claimed storage medium units include a delivery storage medium unit for storing information data selected through the respective end user.

The Examiner Takes Official Notice that it would have been well known in the art to include a delivery storage medium for storing information data selected through a respective end user to provide an accurate record of the distribution of information for billing and accounting

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purposes. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Voeten to include the claimed delivery storage medium.

Considering claim 26, Voeten fails to disclose the claimed wherein one or more storage medium units store the information data according to the predetermined number.

Voeten discloses storing the information for transmission. Since it would have been obvious not to transmit the data if the number of requests were great (claim 1), it would have been obvious to one skilled in the art to conserve memory space since storing the data would not be required if the data is not going to be transmitted. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Voeten to include the claimed limitation to conserve space in the memory.

Claim Rejections - 35 U.S.C. § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 27 - 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voeten et al (cited by Applicant - 0 625 857 A1).

Considering claim 27, Voeten discloses the claimed one or more storage means, a managing means for managing distribution of the information data to any one of the end user devices, wherein the managing means outputs distribution control data including channel information of the selected information data and routing information for at least one end user device, and the claimed routing means (col. 2 line 24 - col. 5 line 3, switch is inherently included for routing signals in ATM network, col 8 lines 20-27). Voeten fails to disclose means for generating backup control data when one storage medium is malfunctioning, wherein another of the storage medium unit is utilized for supplying the selected information data in accordance with the generated backup control data.

The Examiner Takes Official Notice including a backup memory would have been well known to provide added assurance in the case a first memory means containing the same data is malfunctioning. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Voeten to include the claimed backup memory to provide a means for saving and recovering desired data in case where a first memory means is malfunctioning.

Considering claim 28, Voeten fails to disclose wherein one or more storage medium units store the information data according to backup control data.

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It would have been obvious to include a backup memory means in Voeten (claim 27). It would have been obvious to store the backup data in accordance with backup control data in a storage medium unit to provide backup data in case the first main memory containing the data malfunctions. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Voeten to include the claimed limitation to provide a storage medium unit storing the backup data in case the first main memory malfunctions.

Considering claim 29, Voeten fails to disclose the claimed wherein managing means manages distribution of the information data according to the backup control data.

It would have been obvious to include a backup memory in Voeten (claim 27). It would have been obvious to further include a managing means in Voeten to manage or control the distribution of the backup data to the backup memory means in accordance to the backup control data. Therefore, it would have been obvious to one having ordinary skill in the art, at the time the invention was made to modify Voeten to include the claimed managing means to provide backup control data for managing the distribution of the backup data to the backup control means to provide backup data in case the first main memory means malfunctions.

5. Claims 19, 20 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voeten in view of Arman et al.

Considering claim 30 Voeten discloses the claimed one or more storage means the claimed managing means, and the claimed routing means (col. 2 line 24 - col. 5 line 3, switch is inherently

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included for routing signals in ATM network, col 8 lines 20-27). Voeten fails to disclose the claimed wherein at least one storage medium unit includes a controller for selecting a play mode of the selected information data stored in a respective storage medium unit in accordance with distribution control data by selecting scenes to form a mosaic of scenes.

Arman teaches by providing a mosaic of images from a sequence of images a viewer can quickly scan a sequence to find a desired point in the sequence or to see if the contents of the video are relevant to the user (col 4 lines 5 - 20). Therefore, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to modify Arman to include the claimed limitations to provide a viewer with added options like quickly scanning a sequence of a video to find a desired point or to see if the video is relevant to a viewer.

Considering claim 19, Voeten fails to disclose the claimed controller selects the special play mode by switching channels thereby altering a sequence of scenes.

It would have been obvious, from the teachings of Arman, to include a mosaic of images in Voeten. Arman inherently discloses switching a play mode (to the mosaic mode) alters a sequence of scenes by displaying only a mosaic of images of scene changes (col 4 lines 5-20). It would have been obvious selecting a special play mode, as claimed, in Voeten would have provided the viewer with added options like quickly scanning a sequence of a video to find a desired point or to see if the video is relevant to a viewer. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Voeten to

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include the claimed special play mode to provide a viewer with added options like quickly scanning a sequence of a video to find a desired point or to see if the video is relevant to a viewer.

Considering claim 20, Voeten fails to disclose the claimed wherein controller selects the play mode by selecting scenes from different channels to form the mosaic of scenes.

It would have been obvious to provide a mosaic of images in Voeten (claim 30). The Examiner Takes Official Notice it would have been well known in the art to provide a mosaic of images for a viewer with options of programming on different channels. For example, in the television art, it would have been well known to provide a mosaic summary of different options of programming on different channels. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Voeten to include the claimed limitation to provide a viewer with a summary of programming options available on different channels.

Allowable Subject Matter

6. Claim 17 is allowed.

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Response to Arguments

Applicant's Arguments / Examiner's Responses

(1) As stated above, the portions of Voeten relied upon by the Examiner, do not appear to suggest "wherein the managing means manages the distribution of the information data in accordance with a predetermined number representing a threshold for a relationship between the information data and a number of at least one end user device," as recited in claim 1.

The Examiner concurs. Please see new grounds for rejection above.

(2) Therefore, it is respectfully submitted the even assuming, arguendo, that it would have been obvious to the skilled artisan to combine Voeten and Hooks in the manner proposed by the Examiner, the combined references do not meet the claimed invention as recited by amended claim 30.

The Examiner concurs. Please see new grounds for rejection above.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Seazholtz et al. - Transaction implementation in video dial tone network

Kostreski et al. - Digital entertainment terminal with channel mapping

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Strauss et al. - Intelligent network having digital entertainment terminal

Bingham et al. - Access subnetwork controller for video dial tone networks

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308- 5399 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Srivastava whose telephone number is (703) 305 - 4038. The examiner can normally be reached on Monday - Thursday from 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andy Faile, can be reached at (703) 305 - 4380.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305 - 3900.



VS

11/14/00


VIVEK SRIVASTAVA
PATENT EXAMINER